

REMARKS

This application has been reviewed in light of the Office Action mailed July 27, 2006.

Reconsideration of this application in view of the below remarks is respectfully requested.

Claims 1 – 34 are pending in the application with Claim 1, 6, 11, 14, 16, 18, 20, 22, 27 and 32 being in independent form. By the present amendment, Claims 1, 2, 5 – 7, 9 – 28 and 30 – 34 are amended. No new subject matter is introduced into the disclosure by way of the present amendment.

I. Rejection of Claims 1, 2, 6, 7, 11, 12, 14 – 23, 27, 28, 32 and 33 Under 35 U.S.C. § 103(a)

Claims 1, 2, 6, 7, 11, 12, 14 – 23, 27, 28, 32 and 33 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over a posting on the rec.photo.digital discussion group by Rommel P. Feria on May 24, 1999 at 12:00 am.

The Feria posting discloses a method for viewing photograph related information stored in a header portion of an EXIF enabled JPEG image file.

The Examiner has taken Feria's use of the term "time/date" to be equivalent to Applicant's claimed "time stamp". However, the time stamp recited in Applicant's claims refers to a property of audio/video data in which timing information embedded in multiple frames is used to synchronize the audio and video portions of the data to each other. The time stamps recited in the claims have nothing to do with the actual time and date when the audio/video data was produced. Conversely, the Feria disclosed time and date stamp is solely an indicator of the creation date and time of the particular digital photograph.

Consequently, while audio/video data may have a time and date stamp as taught in Feria in addition to the time stamps referred to in Applicant's claims, the Feria disclosed photographic images do not contain Applicant's claimed time stamps.

Additionally, the present invention as recited in Applicant's claims does not embed a watermark containing the time stamp, but rather embeds a watermark containing a predefined information type at each time stamp location in the digital information file. Applicant's disclosure, throughout, provides examples of information types that are conceived as being embeddable as watermarks. Such information types include: owner ID No., reproducibility, etc. (See: page 19, lines 15 – 20).

Feria fails to disclose embedding watermarks containing owner ID No., reproducibility, or other such information types at each time stamp location within the digital information file. However, while the claimed invention is believed to be novel over FERIA, for clarification, independent Claims 1, 6, 11, 14, 22, 27 and 32 have been amended.

Therefore, for at least the reasons provided above, Claims 1, 2, 6, 7, 11, 12, 14 – 23, 27, 28, 32 and 33 are believed to be patentably distinct over the cited prior art reference. Accordingly, Applicant respectfully requests withdrawal of the rejection with respect to Claims 1, 2, 6, 7, 11, 12, 14 – 23, 27, 28, 32 and 33 under 35 U.S.C. § 103(a) over FERIA.

II. Rejection of Claims 3 – 5, 8 – 10, 13, 24 – 26, 29 – 31 and 34 Under 35 U.S.C. § 103(a)

Claims 3, 8, 13, 24, 29 and 34 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over FERIA in view of U.S. Publication No. 2001/0054150 issued to Levy; and Claims 4, 5, 9, 10, 25, 26, 30 and 31 under 35 U.S.C. § 103(a) as allegedly obvious over FERIA in view of Levy and further in view of U.S. Patent No. 6,628,719 issued to Kono et al.

Kono et al. teaches decoding MPEG video for playback, however no disclosure or suggestion is provided in Kono et al. of embedding watermarks in the MPEG video at time stamp locations. While, Levy discloses embedding watermarks in various file formats, however Levy is

also deficient in disclosing or suggesting embedding watermarks in the MPEG video at time stamp locations.


Consequently, Feria, Levy and Kono et al., taken alone or in any proper combination, fail to disclose or suggest the present invention as recited in our proposed independent Claims from which Claims 3 – 5, 8 – 10, 13, 24 – 26, 29 – 31 and 34 depend. Therefore, Claims 3 – 5, 8 – 10, 13, 24 – 26, 29 – 31 and 34 are believed to be patentably distinct over the cited prior art references for at least the reasons provided above with respect to proposed Claims 1, 6, 11, 22, 27 and 32. Accordingly, Applicant respectfully requests withdrawal of the rejection with respect to Claims 3, 8, 13, 24, 29 and 34 under 35 U.S.C. § 103(a) over Feria in view of Levy; and Claims 4, 5, 9, 10, 25, 26, 30 and 31 under 35 U.S.C. § 103(a) over Feria in view of Levy and further in view of Kono et al.

CONCLUSIONS

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1 – 34 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicant's undersigned attorney at the number indicated below.

Respectfully submitted,



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